



12.20.01

8A6 #19. Jorda 11/2/02 1645/7  
(Modified) PTO/SB/29 (8/98)

Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. §1.53(d))

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Address to:  Assistant Commissioner for Patents Box CPA Washington, D.C. 20231	Attorney Docket No. of Prior Application	407T-895100U
	First Named Inventor	James D. Mark
	Examiner Name	L. Lee
	Group/Art Unit	1645
	Express Mail Label No.:	EL921061415US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. §1.53(d),  
(continued prosecution application (CPA)) of prior application No. 09/144,886,  
filed on August 31, 1998, entitled THERAPEUTIC MONOCLONAL ANTIBODIES THAT NEUTRALIZE BOTULINUM NEUROTOXINS.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. §1.53(d), but must be filed under 37 C.F.R. §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. §1.78(a).


- ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 C.F.R. §1.116 in the prior non provisional application.
- ☒ A preliminary amendment is enclosed
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Information Disclosure Statement (IDS) is enclosed:  

a. <input type="checkbox"/> PTO-1449	12/21/2001 GTEFFERA 00000007 500893 09144886
b. <input type="checkbox"/> Copies of IDS Citations	01 FC:231 370.00 CH 02 FC:203 216.00 CH

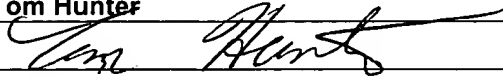
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. §1.16(c) or (j))	44-20* =	24	x \$18 =	\$432
	INDEPENDENT CLAIMS (37 c.f.r. §1.16(B) OR (I))	2-3** =		x \$ =	\$
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			+ \$ =	\$
				BASIC FEE (37 C.F.R. §1.16)	740.00
				Total of above Calculations =	1172.00
				Reduction by 50% for filing by small entity (Note 37 C.F.R. §1.9, 1.27 & 1.28).	586.00
				TOTAL =	586.00

6. Small entity status:
- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0893**:
- a. ☒ Fees required under 37 C.F.R. §1.16.
- b. ☒ Fees required under 37 C.F.R. §1.17.
- c. ☒ Fees required under 37 C.F.R. §1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
 (Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
10. a. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
11. ☐ Other: \_\_\_\_\_

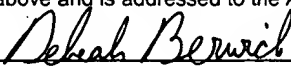
**NOTE:** The prior applications correspondence address will carry over to this CPA  
 UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		 <b>22798</b> PATENT TRADEMARK OFFICE		or <input type="checkbox"/> New correspondence address below	
Name					
Address					
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Country		Telephone		Fax	

### 13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Tom Hunter
Signature	
Registration No. (Attorney/Agent)	38,498
Date	December 13, 2001

### CERTIFICATE OF EXPRESS MAILING under 37 CFR 1.10

Express Mail Label No:	EL921061415US	Date of Deposit	December 13, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.			
Signature			
Typed Name of Person Mailing Paper or Fee	Deborah Berwick		

### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: _____		Examiner:	
		Tech Center:	
		Facsimile Number:	
Typed or printed name			
Signature		Date	